

**UNITED STATES U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ERIKA LEE,

*Plaintiff,*

v.

DELTA AIR LINES, INC., DAVID  
NEEDHAM & JOSE ROSADO,

*Defendants.*

Civil Action No. 1:22-cv-8618-DEH-  
RWL

**EXHIBIT H**

**TO**

**DELTA'S LETTER**

**DATED**

**APRIL 15, 2025**

UNITED STATES U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ERIKA LEE,

*Plaintiff,*

v.

DELTA AIR LINES, INC., DAVID  
NEEDHAM & JOSE ROSADO,

*Defendants.*

Civil Action No. 1:22-cv-8618-DEH-RWL

**DECLARATION OF MICHAEL F. FLEMING IN SUPPORT OF  
DEFENDANT’S REQUEST FOR COSTS**

I, Michael F. Fleming, declare as follows:

1. I am an attorney at the law firm of Morgan, Lewis & Bockius LLP (“Morgan, Lewis”), counsel for Defendant Delta Air Lines, Inc. (“Delta”) in this action.

2. I submit this declaration in connection with Delta’s request that the Court award Delta costs incurred in connection with Plaintiff Erika Lee’s (“Plaintiff”) failure to appear at her deposition noticed for April 4, 2025, as well as the costs incurred by Delta in preparing its request for costs incurred in connection with Plaintiff’s failure to appear. I have personal knowledge of the facts stated herein.

3. The following costs were incurred by Delta in connection with Morgan Lewis preparing for and attending Plaintiff’s deposition:

Preparation for and Attendance at Plaintiff’s Deposition			
Counsel	Hourly Rate	Hours Worked	Fees
Michael F. Fleming	\$600.00	6.2	\$3,720.00
Imani D. Gunn	\$545.00	15.2	\$8284.00
<b>Subtotal</b>		21.4	<b>\$12,004.00</b>

4. The following costs were incurred by Delta in connection with Morgan Lewis preparing its request for costs (Dkt. No. 140 and 143) in connection with Plaintiff's failure to appear at her deposition:

<b>Preparation of Letter Motion to Court re: Plaintiff's Failure to Appear at Deposition</b>			
<b>Counsel</b>	<b>Hourly Rate</b>	<b>Hours Worked</b>	<b>Fees</b>
Michael F. Fleming	\$600.00	8.4	\$5,040.00
Imani D. Gunn	\$545.00	5.2	\$2,834.00
<b>Subtotal</b>		13.6	<b>\$7,873.00</b>

5. The following costs were incurred by Delta in connection with securing a court reporter and videographer for Plaintiff's deposition:

<b>COURT REPORTER/VIDEOGRAPHER COSTS</b>	
<b>Expense</b>	<b>Cost</b>
Court Reporter/Videographer Costs	\$799.00
<b>Subtotal</b>	<b>\$799.00</b>

6. The following costs were incurred by Delta in connection with in-house counsel traveling to New York to attend Plaintiff's deposition:

<b>DELTA IN-HOUSE COUNSEL TRAVEL AND ACCOMMODATIONS COSTS</b>	
<b>Expense</b>	<b>Cost</b>
Flights <sup>1</sup> (ATL to LGA on 4/3/25 and LGA to ATL on 4/5/25)	\$2,437.99
Hotel (4/3/25-4/5/25)	\$659.93
<b>Subtotal</b>	<b>\$3,097.92</b>

7. As of April 14, 2025, Defendant has actually and necessarily incurred and/or forfeited costs in the aggregate amount of \$23,773.92 as a result of Plaintiff's failure to attend her deposition schedule for April 4, 2025.

8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 15, 2025

/s/ Michael F. Fleming  
Michael F. Fleming

<sup>1</sup> The flight costs reflected herein represent the revenue impact upon Delta in booking each flight.